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Leza L Olson 08/30/2006 10:40:58 AM From DB/Inbox: Leza L Olson

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DISSEMINATION: POL
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C O N F I D E N T I A L SECTION 01 OF 03 TEL AVIV 003439

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E.O. 12958: DECL: 08/28/2016
TAGS: [PREL](#) [KWBG](#) [KPAL](#) [IS](#)
SUBJECT: ISRAELI MOD AND EU DISCUSS RAFAH CROSSING POINT

Classified By: Ambassador Richard H. Jones; Reasons 1.4 (B and D).

1. (C) In a meeting on August 28 with the Ambassador, EU staff, and a large Israeli inter-agency team, EU Border Assistance Mission (EU-BAM) chief LTG Pietro Pistolese listed his concerns about frequent closures of the Rafah Crossing Point (RCP) and urged MOD adviser Baruch Spiegel to "normalize" the Rafah operations. Spiegel regretted that the GOI does not see an opportunity for such a step until Palestinian militants release the kidnapped IDF soldier held in Gaza. Both the GOI and EU-BAM discussed ideas for improving operations at Rafah. Welcoming suggested steps to improve technical cooperation, the Ambassador stressed the need to focus on the larger political issues -- such as the customs and security protocols -- as well. He also strongly supported Pistolese's call for normalized operations of Rafah. DefMin Peretz's political adviser, Haggai Alon, said the GOI realizes that these issues must be resolved prior to any renewal of the EU-BAM's mandate in November, adding that the GOI is aware of the link between an EU success in Rafah and the EU role elsewhere in Gaza and in southern Lebanon. End summary.

EU asks to "normalize" Rafah; GOI demurs for now

2. (C) Pistolese requested GOI assistance in "normalizing the activity" of the RCP, a step he said would help advance the rest of the Agreement on Movement and Access (AMA) agenda. He stressed that frequent closures by Israeli authorities -- the crossing has only opened for seven of the past 56 days, -- have "created a very serious problem." Pistolese pointed out that neither the AMA nor the Agreed Principles for the Rafah Crossing (APRC) grant the GOI a unilateral right to close Rafah and stressed that the EU-BAM wants to be

consulted before any such decision is taken. After recalling instances in which the GOI had consulted with the EU/BAM before closing the crossing, Spiegel indicated that the GOI would continue its current procedures for the time being. The Ambassador reiterated the importance to the USG of keeping the crossings open. Spiegel said that Rafah would be closed on August 29, but added that he would raise the USG and EU concerns with DefMin Peretz in the hope of obtaining a decision to open the crossing again later in the week.

13. (C) In Spiegel's view, conditions in the region had changed "dramatically" since the GOI agreed to the AMA and APRC. Hamas now controls the Palestinian Authority (PA) and an Israeli soldier remains hostage to Palestinian militants. He said the GOI has taken a "high-level political decision" that any return to normalcy is not possible until the IDF soldier is released (Note: Spiegel explained that this decision is driven by concern that the soldier will be smuggled out of Gaza through Rafah. End note). Spiegel asked Pistolese to understand the larger political context currently facing the GOI, especially the ongoing military operations in Gaza and the situation in southern Lebanon.

14. (C) Spiegel described Gaza as "very, very fragile." He noted that the Egyptians had recently reinforced their side of RCP with over 1,000 police and discovered another tunnel under the Philadelphi corridor and 1.2 tons of TNT apparently destined for Gaza. GOI and PA forces had also just located two openings for a tunnel intended to be used in an attack on the Karni crossing. Unspecified threats remain against both Karni and Kerem Shalom, he added (note: Spiegel did say that discovery of the Karni tunnel may allow the GOI to follow DefMin Peretz's standing orders and re-open that crossing soon. End note). In addition, a strike by health care workers in the Palestinian areas and kidnapping threats against foreigners are adding to the turmoil. Against this backdrop, Spiegel claimed that IDF military operations in Gaza have succeeded in greatly reducing the number of Qassam rocket launches against Israel, maintaining that there have been none in the past few days.

Closures lead to problems at Rafah:
EU offers suggested improvements

15. (C) According to Pistolese, infrequent opening times create several problems at Rafah. First, large and unruly crowds are a potential security threat on the few days when the RCP opens. Pistolese noted that more than one-half of the 22,090 travelers (12,261 exiting Gaza and 9,809 returning) who have crossed through Rafah since June 25 did so in the past two days it was open. Second, he maintained that the failure of the EU-BAM to keep the crossing open is negatively impacting the EU's image among the Palestinian population. Displaying a cartoon from the Palestinian press, several irate e-mails sent to the EU-BAM, and a letter of complaint from the Palestinian Commission on Human Rights, he said such views impede the EU's efforts to improve its image as a neutral party supporting the peace process. Third, Pistolese cautioned that continued closures are forcing the Palestinian Presidential Guard to use force against its own people, a situation that could decrease the unit's effectiveness and result in a marked deterioration of security at the crossing. Spiegel said that Israel would welcome any reinforcement of the PA Presidential Guard at the crossings.

16. (C) As they have done in previous meetings, Pistolese and Spiegel exchanged views on steps to improve the operation of RCP:

-- The Ambassador and Pistolese both asked the GOI to attend the oft-postponed Security Working Group meeting. Spiegel said he would check with DefMin Peretz and PolDir Gilad to see if this would be possible and noted that the GOI had been prepared to meet on July 5. He volunteered to begin work on an agenda with the EU-BAM and/or USG.

-- Pistolese and Spiegel agreed "in principle" to meet with Sa'eb Erakat after the Israeli soldier is released. In the meantime, Spiegel suggested that Pistolese meet with -- and serve as a go-between for -- both sides. (Spiegel does also speak with Erakat on the phone.)

-- The GOI and EU-BAM agreed to form a joint technical committee, with Spiegel saying that regular technical meetings will offer an opportunity to raise Israeli concerns, examine possible lessons learned, and prepare the groundwork for eventual political-level talks.

-- Pistolese requested "urgent" GOI clearance through Kerem Shalom of scanners, X-ray equipment and conveyer belts donated by Egypt for the RCP. Spiegel said the GOI has no objection as long as the equipment is checked. He asked Pistolese's deputy to contact COGAT to work through the issue.

-- Relaying a request from Erakat, Pistolese asked the GOI to open Kerem Shalom for imports from Egypt to Gaza. Noting that Egyptian humanitarian shipments had crossed there earlier in the day, Spiegel reiterated Israel's interest in utilizing the Kerem Shalom crossing.

-- Spiegel suggested that the EU-BAM and GOI security officers meet to find a better way to communicate threat assessments in real time to allow both prompt closings and re-openings of the RCP. He cited as a positive example the coordinated opening/closing/re-opening of Rafah on August 25-26 in response to specific real-time threat information on two Dugmash operatives planning to exit Gaza through Rafah and then illegally enter Israel and attack Tel Aviv.

-- Spiegel expressed hope that the extension of the Egyptian power grid to the Palestinian side of RCP would limit the time that Rafah would be closed due to any black-outs.

-- Spiegel said that he had formed a new inter-agency team, with representatives of the Ministry of Defense, the Israeli Defense Forces, the MFA, Customs, and the Crossings Authority to examine ways to improve the operation of the RCP.

USG stresses need to address larger issues
such as the customs protocol

17. (C) The Ambassador welcomed improvements in technical coordination but stressed the importance of addressing unresolved political issues as well. In particular, he said that the GOI had still not accepted the customs protocol -- even though it had been negotiated by Israeli customs officials -- and noted continued difficulties with implementation of the security protocol. Pistolese agreed, suggesting that the customs protocol could be implemented even if it is unsigned. Spiegel, seconded by a representative of Israeli customs, admitted that the GOI supports the customs protocol but had been unable to sign once Hamas assumed power. After speaking with the Ambassador, Spiegel agreed to re-examine the issue and asked the Ambassador to submit a letter on the protocol to MOD.

18. (C) Peretz's political adviser, Haggai Alon, told the Ambassador that the GOI realizes that these issues must be resolved prior to any renewal of the EU-BAM's mandate in November. He reassured Pistolese that the GOI is fully cognizant that the outcome of the EU mission in Rafah will have a direct impact on the EU's role elsewhere in Gaza and in Lebanon. MFA Deputy Legal Adviser Daniel Taub agreed, saying the EU-BAM has "significant precedential weight" for UNIFIL, and "success will breed success and failure will breed failure." Pistolese noted the possibility of an expansion of the EU-BAM to the Karni crossing, but said that a normalization of the RCP procedures is a "precondition" for any such move.

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JONES